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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,656	03/19/2004	Nicholas Shaylor	P-3697DIV2	3623
24209	7590	10/05/2006	EXAMINER	
GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940			RAYYAN, SUSAN F	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/805,656	Applicant(s) SHAYLOR, NICHOLAS	
	Examiner Susan F. Rayyan	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03192004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-33 are canceled.
2. Claims 34-40 are pending.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on March 19, 2004 was filed before First Office Action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 34-40 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Number 0 617 361 A2 issued to Ramakrishnan et al (“Ramakrishnan”).

As per claim 34, Ramakrishnan anticipates:

storing the data in a first data structure, wherein the first data structure is in a first data

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structure format (see element 18 of Figure 1 and col. 8, lines 20-42 as the first data structure being the system memory and with the data being formatted for system memory storage);

copying the data from the first data structure (system memory) to a second data structure with the second data structure being disk memory (see element 30 of Figure 1 and col. 8, line 32 to col. 9, line 1);

wherein the second data structure (disks) is in a second data structure format (data must be in a disk storage compatible format for copying or storing the data on the disks) with the copying including re-formatting the data from the first data structure format to the second data structure as the re-formatting of the data being the necessary step of making the data compatible for storing the data on the disks and reading the second data structure inherently being able to retrieve or verify data stored on the disks.

As to claim 35, Ramakrishnan anticipates re-formatting is performed just-in-time (as the re-formatting being performed when the data is being copied to the disk and not as a separate or independent step or activity see col. 8, line 20 to col. 10, line 36).

As to claim 36, Ramakrishnan anticipates passing the data between a first task with the first task being a thread or task which a client work-station needs a network server for processing or performing the thread or task and a second task being a thread or task initiated or required by a network server by performing a fast-path message copy with

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the fast-path message copy being the direct communication or connectivity within the server itself (see the Background of the Invention).

As to claims 37-38, Ramakrishnan anticipates copying the message from a memory space of the first task to a memory space of the second task (as and copying message data or instructions from the client work-station to the network stations or servers as an inherent step which is necessary for communication and interaction between clients and servers in the network, Background of the Invention).

As to claim 39, Ramakrishnan anticipates the performance of the message copy includes: copying the message from the first task to said thread control block/message structure (as the core thread scheduler which sets flags indicating server processor activities, see col. 11, line 36 to col. 12, line 9);

waiting for the thread to be queued to the thread queue (as a basic step of the core thread scheduler, see col. 11, line 36 to col. 12, line 34); and,

copying the message from said thread control block/message structure to the second task (as a function of the 'unbounded' activities of the file server tasks, see col. 11, line 36 to col. 12, line 44).

As to claim 40, Ramakrishnan anticipates said first task acts as a client task and the second task acts (as a server task, see the Background of the Invention).

Contact Information


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan Rayyan

September 29, 2006


JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100